

### REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

By this Amendment, Applicant has amended claims 1, 8 and 20, and cancelled claim 23.

Support for the changes to claims 1, 8 and 20 may be found in the specification at, for example, page 1, lines 6-16, page 4, lines 15-34, and in FIG. 1. Claims 1-22 remain pending in the application.

In the Final Office Action, the Examiner rejected claims 1-3, 5, 6, 8-11, 14, 15 and 18-21 under 35 U.S.C. § 103(a) as allegedly not being patentable over U.S. Patent Application Publication No. 2003/0039237 by *Forslow* ("*Forslow '237*") in view of U.S. Patent Application Publication No. 2003/0039237 by *Hind et al.* ("*Hind*"); rejected claims 4 and 13 under 35 U.S.C. § 103(a) as allegedly not being patentable over the purported combination of *Forslow '237* and *Hind* in view of U.S. Patent No. 6,937,566 to *Forslow* ("*Forlow '566*"); rejected claims 7, 12 and 17 under 35 U.S.C. § 103(a) as allegedly not being patentable over the purported combination of *Forslow '237* and *Hind* in view of U.S. Patent Application No. 2002/0101859 by *McClean*; rejected claim 16 under 35 U.S.C. § 103(a) as allegedly not being patentable over the purported combination of *Forslow '237* and *Hind* in view of U.S. Patent Application Publication No. 2002/0036983 by *Widegren et al.* ("*Widegren*"); and rejected claims 22 and 23 under 35 U.S.C. § 103(a) as allegedly not being patentable over the purported combination of *Forslow '237* and *Hind* in view of U.S. Patent Application Publication No. 2002/0136226 by *Christoffel et al.* ("*Christoffel*").<sup>1</sup> Applicant traverses these rejections for the reasons that follow.

*Forslow '237* and *Hind* cannot support a *prima facie* case of obviousness for rejecting Applicant's claim 1 under Section 103 because these documents, whether taken individually or in combination, fail to teach or suggest the method recited in claim 1. (See

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<sup>1</sup> The Office Action contains statements characterizing the claims and related art. Regardless of whether any such statements are specifically addressed herein, Applicant's silence as to these characterizations should not be construed as acceptance of them.

M.P.E.P. § 2143, (8th ed., rev. Sept. 2007).) The Examiner apparently concedes that *Forslow* '237 does not disclose a "a tunnel is established between the mobile terminal and the IP serving GPRS support node" as recited in Applicant's claim 1.<sup>2</sup> (Office Action, p. 3.) Thus, *Forslow* '237 does not disclose or suggest Applicant's claimed "tunnel [that] tunnels GPRS information on the basis of IP packets," "information is transmitted through the tunnel," and "pack[ing] the information in order to send it through the tunnel to the mobile terminal" (emphasis added), as recited in claim 1.

Furthermore, *Forslow* '237 discloses communication from a mobile radio 16 to a GSM circuit-switched network 35 or a GSM GPRS packet-switched network 51, but it does not disclose or suggest "GPRS information can further be transmitted from the mobile terminal into a radio network." (emphasis added) Accordingly, the reference also does not disclose or suggest "a handover can be effected between the different network types" and "the handover from one network type to another is optimized utilizing a mechanism the predicts the future trend of connection quality of the different network types" (emphasis added), as recited in claim 1.

*Hind* does not overcome the above-noted deficiencies of *Forslow* '237. The Examiner cites *Hind* for its alleged disclosure of "establishing a tunnel between a mobile station and a service node." (Office Action, p. 3.) However, *Hind* says nothing with regard to a "IP serving GPRS support node." Indeed, *Hind* only refers to the general possibility of a GPRS network. (*Hind*, ¶ 0015.) *Hind*, therefore, fails to disclose or suggest "a tunnel is established between the mobile terminal and the IP serving GPRS support node" (emphasis added), as recited in claim 1. Accordingly, *Hind* also fails to disclose or suggest "the tunnel tunnels GPRS information on the basis of IP packets," "the information is transmitted through the tunnel," and "pack[ing] the information in order to send it through the tunnel to the mobile terminal" (emphasis added), as recited in claim 1.

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<sup>2</sup> The Office Action states "Christoffel fails to disclose a tunnel." However, this portion of the rejection of claim 1 appears to be based on *Forslow* '237. Applicant assumes the mention of *Christoffel* is a typographical error.

In addition, *Hind* does not disclose or suggest, at least, that "the GPRS information is transmitted from the mobile terminal into a radio network," "a handover is effected between the different network types," and "the handover from one network type to another is optimized utilizing a mechanism the predicts the future trend of connection quality of the different network types," as recited in claim 1.

Because *Forslow '237* and *Hind* fails to disclose or suggest the above-noted features of claim 1, these documents, taken individually or in combination, cannot support a *prima facie* case for rejecting claim 1 under 35 U.S.C. § 103(a). Claim 1 is therefore allowable over *Forslow '237* and *Hind*.

Independent claims 8, 14, 20 and 21, although of different scope than claim 1, recite subject matter similar to that recited in claim 1. Accordingly, claims 8, 14, 20 and 21 are allowable for reasons similar to those provided above with regard to claim 1.

Dependent claims 2, 3, 5, 6, 9-11, 15, 18, and 19 variously depend from claims 1, 8 and 14 and are allowable at least due to their corresponding dependence from claims 1, 8 and 14.

Claims 4, 7, 12, 13, 16, 17 depend from independent claims 1, 8 and 14 and, thus, include all the features of their respective independent claim. Neither *Forlow '566*, *Maclean* nor *Widegren* cures the above-identified deficiencies of *Forslow '237* and *Hind*. The Examiner apparently relies on *Forslow '566* for allegedly disclosing "broadcast messages are used to seek an IP serving GPRS support node" (Office Action, p. 4.); *Maclean* for allegedly disclosing "encrypting a packet in a GPRS system" (*Id.* at p. 5.); and *Widegren* for allegedly disclosing "a packet switching network having versions ipv4, ipv6" (*Id.* at p. 5.). However, *Forslow '237*, *Maclean* and *Widegren* do not disclose or suggest the above-identified features of claims 1, 8 and 14, and the Examiner does not rely these references for such disclosure or suggestion. Accordingly, *Forslow 237*, *Hind*, *Forslow '566*, *Maclean* and

*Widegren*, when taken alone or in any proper combination, fail to support a rejection of claims 1, 8 and 14 under Section 103(a). Thus, claims 4, 7, 12, 13, 16, 17 are allowable over the cited references, as well.

Claims 22 and 23 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the purported combination of *Forslow '237* and *Hind* in view of *Christoffel*. The Examiner relies on *Christoffel* for its alleged disclosure of establishing tunnels between a mobile station and different networks. *Christoffel* however fails to disclose or suggest, at least, "handover from one network type to another is optimized utilizing a mechanism the predicts the future trend of connection quality of the different network types." Thus, when *Forslow '237* and *Hind* in and *Christoffel* are taken individually or in combination, these references fail to support a rejection of claims 22 and 23 under 35 U.S.C. § 103(a).

### Conclusion

For the reasons set forth above, Applicant respectfully requests allowance of the pending claims.


If additional fees are required for any reason, please charge Deposit Account No. 02-4800 the necessary amount.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By:

  
Steven Ashburn  
Registration No. 56,636

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620